IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 22153 of 2007(K)

PETITIONER:

BIJU SEBASTIAN, S/O. DEVASSIYA,
KALLUKALAYIL HOUSE, VALAMKULAM,MALAPPURAM DISTRICT

BY ADV. SRI.DILIP MOHAN

RESPONDENTS:

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1. ALIPARAMBU GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, ALIPARAMBU,
THOOTHA P.O., MALAPPURAM.

2. THE MEDICAL OFFICER,
PUBLIC HEALTH CENTRE, ALIPARAMBU.

3. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, MALAPPURAM.

4. TAHSILDAR, TALUK OFFICE,
PERINTALMANNA.

BY SC SRI.M.K.CHANDRAMOHAN DAS
BY G.P. SRI.MUHAMMED ANZAR
BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.K.RAVI (PARIYARATH)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.22153/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1; COPY OF THE LETTER DATED 13.6.2007 ISSUED BY THE 3RD RESPONDENT

EXT.P2: COPY OF THE NOTICE DATED 31.5.2007 ISUED BY THE 2ND RESPONENT.

EXT.P3: COPY OF THE NOTICE DATED 12.6.2007 ISSUED TO THE PETITIONER.

EXT.P4; COPY OF THE LETTER DATED 18.6.2007 SUBMITTED BEFORE THE 1ST RESPONDENT.

EXT.P5: COPY OF THE REQUET DATED 11.6.2007 TO THE 2ND RESPONDENT

EXT.P6: COPY OF THE REPRESENTATION DATED 4.7.2007 SUBMITTED BEFORE THE PANCHAYAT.

EXT.P7: COPY OF THE NOTICE DATED 9.7.2007 ISSUED BY THE 1ST RESPONDENT

EXT.P8; COPY OF THE REPRESENTATION SUBMITTED BEFORE THE TAHSILDAR PERINTHALMANNA.

/TRUE COPY/

P.A. TO JUDGE.

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 22153 of 2007

Dated this the 19th day of September , 2007

JUDGMENT

The petitioner's grievance is that a stop memo has been issued to him by the Panchayat directing immediate stoppage of the piggery unit, which is being conducted by him within the area of the first respondent Panchayat. The petitioner submitted Ext.P8 representation before the 4th respondent- Tahsildar raising objections to Ext.P7 and requesting that the Tahsildar may take appropriate action on Ext.P7. As rightly pointed out by the learned Government Pleader, the Tahsildar will not have any jurisdiction over the matter. It is for the Panchayat to take a decision on the petitioner's application for license (Ext.P6). But the Panchayat will not be justified in considering Ext.P6 application favourably unless the petitioner is able to convince the Panchayat that the piggery unit is being conducted in a hygienic manner and in compliance with all the directions issued to the petitioner by the Pollution Control Board. The learned Standing Counsel for the Pollution Control Board submits that the petitioner is yet to comply with the directions issued to him. The learned counsel for the petitioner submits that the petitioner will be able to comply

with all the directions of the Pollution Control Board within one month month.

2. Under the above circumstances, I dispose of the writ petition issuing the following directions:

The petitioner can comply with all the directions issued to him by the Pollution Control Board within one month from today. The 3rd respondent – Environmental Engineer of the Pollution Control Board will conduct an inspection of the piggery unit of the petitioner with notice to the petitioner, the Secretary of the Panchayat and also to Sri. Darmapalan, who filed complaint before the Pollution Control Board. On the basis of such inspection, the 3rd respondent will submit a report to the first respondent as to whether the directions issued by the 3rd respondent have been complied with by the petitioner. On receiving such report, the Panchayat will take up Ext.P6, hear the petitioner and Sri.Darmapalan and take a decision on Ext.P6. The respondents will ensure that the directions enumerated above are complied with fully within two months of receiving a copy of this judgment.

PIUS C. KURIAKOSE,
JUDGE.

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